

1 Jeffery A. Garofalo (Bar No. 7345)  
2 E-mail: jeff.garogalo@procopio.com  
3 PROCOPIO, CORY, HARGREAVES &  
4 SAVITCH LLP  
5 10000 W. Charleston Blvd., Suite 140  
6 Las Vegas, NV 89135  
7 Telephone: 702.216.2684  
8 Facsimile: 619.788.5500

9 Lisel M. Ferguson (Bar No. 207637/Pro Hac Vice)  
10 E-mail: lisel.ferguson@procopio.com  
11 PROCOPIO, CORY, HARGREAVES &  
12 SAVITCH LLP  
13 525 B Street, Suite 2200  
14 San Diego, CA 92101  
15 Telephone: 619.238.1900  
16 Facsimile: 619.235.0398

17 Attorneys for Plaintiff and Counter-Defendant  
18 UPMANN SANCHEZ TURF AND LANDSCAPE

19 **UNITED STATES DISTRICT COURT**

20 **DISTRICT OF NEVADA**

21 UPMANN SANCHEZ TURF AND  
22 LANDSCAPE, dba US Turf,

23 Plaintiff,

24 v.

25 US TURF LLC, dba Serenity Landscaping,

26 Defendant.

27 US TURF LLC,

28 Counterclaimant,

v.

29 UPMANN SANCHEZ TURF AND  
30 LANDSCAPE, INC.

31 Counter-Defendant.

32 ///

33 ///

34 ///

35 Case No. 2:21-cv-01749-JCM-DJA

36 **STIPULATION AND ORDER FOR  
37 EXTENSION OF DISCOVERY  
38 DEADLINES**

39 **(SECOND REQUEST)**

1 Plaintiff/Counter-Defendant UPMANN SANCHEZ TURF AND LANDSCAPE, INC.,  
 2 ("Plaintiff") and Defendant/Counterclaimant US TURF, LLC ("Defendant"), by and through their  
 3 counsel of record, hereby respectfully submit this Stipulation and Order for Extension of  
 4 Discovery Deadlines in this case. This is the second request to extend discovery deadlines in this  
 5 matter and seeks a ninety (90) day extension of time for the close of discovery and similar  
 6 extension for the deadline to submit a rebuttal expert report.

7 **FACTUAL BACKGROUND**

8 Plaintiff filed the Complaint in this case on September 22, 2021 (ECF No. 1) and  
 9 Defendants filed their Answer and Counterclaims on November 2, 2021 (ECF No. 11). Plaintiff  
 10 filed a Motion to Dismiss or Strike Defendant's Counterclaims on December 7, 2021 (ECF No.  
 11 15). Defendant filed its Opposition to Plaintiff's Motion on January 7, 2022 (ECF No. 20) and  
 12 Plaintiff's filed its Reply on January 13, 2022 (ECF No. 21).

13 On December 10, 2021, the Court entered a Discovery Plan and Scheduling Order (ECF  
 14 No. 18), which set the close of discovery on May 2, 2022. On February 22, 2022 the Parties filed  
 15 the first Stipulation for Extension of Time which the Court granted on February 23, 2022. (ECF  
 16 No. 22-23). The close of discovery is currently August 1, 2022.

17 **COMPLETED DISCOVERY**

18 The parties made the required initial disclosures under Rule 26 on December 22, 2021.  
 19 On December 24, 2021, Defendant served its first set of discovery requests on Plaintiff to which  
 20 Plaintiff, after requesting a three-week extension of time, served responses on February 14, 2022.  
 21 On February 15, 2022, Plaintiff served its first set of discovery requests on Defendant. Defendant  
 22 was granted a one-week extension of time and responded on March 24, 2022. The Parties met  
 23 and conferred regarding 30(b)(6) depositions on May 11, 2022. Plaintiff took the depositions of  
 24 two of Defendant's principals on June 1, 2022. On June 2, 2022, Defendant designated an expert  
 25 and produced the expert's report. The deposition of Plaintiff's 30(b)(6) is currently set for June  
 26 23, 2022.

27 ///

28 ///

## **REMAINING DISCOVERY**

While the Parties have completed one round of written discovery the parties still have depositions to complete and expert discovery. The currently scheduled deposition of Plaintiff's 30(b)(6) witness still needs to be completed. The parties also anticipate that additional depositions may be conducted including the deposition of Defendant's expert, the deposition of any rebuttal expert witness proffered by Plaintiff, Defendant's 30(b)(6) witness, and potentially other individuals whose identity was learned through the deposition of Defendant's principals on June 1, 2022, or who may be identified during the deposition of Plaintiff's or Defendant's 30(b)(6) witness or any other subsequent depositions conducted by Plaintiff or Defendant.

In addition, on June 2, 2022, Defendant timely served an expert report and opinion along with Defendant's initial expert disclosures, and Plaintiff requires additional time to obtain a rebuttal report from an expert prior to the current rebuttal expert deadline of July 5, 2022.

## **GOOD CAUSE TO EXTEND DISCOVERY**

The parties have been diligent in conducting discovery in this matter so far and remain diligent in doing so. Both Parties have experienced slight initial delays due to the holidays at the end of 2021 and/or COVID-19. However, the Parties have been diligent in seeking and responding to discovery and resolving any disputes that arose in regards to discovery. In February 2022, the Parties requested and this Court granted an extension of discovery deadlines. The Parties were on track with meeting the prior extension until Plaintiff received Defendant's initial expert designation and report on June 1, 2022. The report included a survey and Plaintiff has reached out to potential experts to rebut the report and survey, and all potential experts have indicated that they would need additional time to prepare a rebuttal report to Defendant's expert report. For these reasons, this Stipulation is made for good cause and not for purposes of delay.

The Parties hereby stipulate and agree to the following deadline dates for the remaining discovery deadlines in this case:

- **Discovery Cutoff Date: October 31, 2022.**
  - **Rebuttal Expert Disclosures: September 30, 2022**
  - **Dispositive Motions: November 30, 2022**

- 1           • **Pretrial Order: December 30, 2022.** This deadline will be suspended if  
2 dispositive motions are timely filed until 30 days after the decision of the  
3 dispositive motions or until further order of the Court.

4           DATED: June 7, 2022

5           **IT IS SO AGREED AND STIPULATED:**

6           **PROCOPIO, CORY, HARGREAVES &           **GILE LAW GROUP LTD.****  
7           SAVITCH LLP

8           */s/ Jeffery A. Garofalo, Esq/*

9           */s/ Ryan Gile, Esq.*

10          Lisel M. Ferguson (Pro Hac Vice)  
11          E-mail: lisel.ferguson@procopio.com  
12          525 B Street, Suite 2200  
13          San Diego, CA 92101  
14          Telephone: 619.238.1900

15          Ryan Gile, Esq.  
16          Nevada Bar No. 8807  
17          rg@gilelawgroup.com  
18          1180 N. Town Center Drive, Suite 100  
19          Las Vegas, Nevada 89144  
20          Tel. (702) 703-7288

21          Jeffery A. Garofalo (Bar No. 7345)  
22          E-mail: jeff.garogalo@procopio.com  
23          10000 W. Charleston Blvd., Suite 140  
24          Las Vegas, NV 89135  
25          Telephone: 702.216.2684

26          *Attorneys for Defendant/Counterclaimant*  
27          *US TURF LLC*

28          *Attorneys for Plaintiff/Counter-Defendant*  
29          *Upmann Sanchez Turf and Landscape*

30           **IT IS SO ORDERED:**

31             
32           **UNITED STATES MAGISTRATE JUDGE**

33          Dated: June 8, 2022